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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,714	06/30/2000	Stefan Hack	7781.0013-0	2503

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EXAMINER
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STERRETT, JONATHAN G

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/609,714

Applicant(s)

HACK ET AL.

Examiner

Jonathan G. Sterrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20,26-54 and 58-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,26-54 and 58-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Summary*

1. **Claims 1-5, 6-20, 26-54 and 58-65** are pending in the application.

**Claims 21-23, 55-57, 66 and 24-25** are withdrawn. This action is responsive to the election of June 5, 2006. The examiner notes that these claims were elected with traverse. This Office Action is **Non-Final**.

2. The applicant argues that the restriction is improper because the search of the various inventions claimed are not different and do not represent a search burden for the examiner.

The examiner respectfully disagrees.

For example, Group II of the claims, providing a display of an optimized value chain, is an entirely different invention than is Group III, which is creating a business collaboration between participants. Group III lists a group of steps to create a business collaboration in a value chain. Group II provides for displaying a value chain that is optimized. While these two inventions may in fact, be usable together (i.e. as subcombinations), providing the steps to create or establish a value chain can be accomplished without displaying an existing, optimized value chain. This is because the steps to create a business collaboration do not require displaying an optimized value chain representing the business collaboration. Similarly, displaying an optimized value chain, that is, a value chain of participants in a collaborative business scenario that is optimized,

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can be achieved without creating a collaboration representing the business participants working together. A practitioner of ordinary skill in the art could provide for a display of an optimized value chain (assuming arguendo that the value chain existed to begin with) without utilizing an invention that created a business collaboration. Similarly, the same practitioner could create a business collaboration without displaying an optimized value chain.

Although inventions may be classified in the same class, the examiner would point out that a search would be made across the entire US patent database containing keywords that identify salient features of the different inventions. This is done because, for example, Class 345, dealing with displays, provides for inventions where the art is analogous because inventors are solving similar problems. The examiner would also point out that aside from a keyword search in the existing patent database, there are also mandatory non-patent literature (NPL) databases within Dialog that are required to be searched. For example, a search within these databases using the keywords "supply chain" and "display" produced over 24,000 separate articles that potentially address claimed features of the instant application. Additionally, depending on the claims and the examiner's discretion, there are other searches that may be made within ProQuest and also using Google. Since the potential areas for searching is so broad, the different inventions as claimed are, in fact, a search burden for the examiner.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-20, 26-54 and 58-65** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stephens**, Scott; "Supply Chain Council & Supply Chain Operations Reference (SCOR) Model Overview", May 1999, pp.1-31, (hereinafter **Stephens**) in view of **Oota** US 5,740,341 (hereinafter **Oota**).

Regarding **Claim 6**, Stephens teaches:

**Rendering, using a data processing system, a first graphical depiction of a sequence of interactions between the participants, the interactions being depicted as polygons juxtaposed to indicate the sequence and the participants;**

p12, SCOR teaches identifying participants in the supply chain – this chart identifies the participants and the interactions (plan source make or deliver) that show the interlocking supply chains between each company. The sequence and participants are shown, because the chain begins at a supplier's supplier, who delivers goods through the supply chain of a supplier to 'your company'.

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P15, the Source, Make and Deliver infrastructure arrows are depicted as polygons juxtaposed to indicate the sequence and participants (i.e. suppliers and customers).

**identifying flow data including at least one of roles of the participants and information flow between the participants; and**

page 17, the "manage sourcing infrastructure" SCOR flow identifies flow data between the customer and supplier participants (e.g. vendor contracts) as well as their roles.

**electronically rendering, using the data processing system, a second graphical depiction, derived from the first graphical depiction, of the flow data.**

Page 14, SCOR illustrates the rendering a second graphical depiction of the first graphical depiction of the flow data on more than one level – from Level 1 to Level 2, Level 2 to Level 3, and as well, from Level 3 to Level 4.

Stephens does not teach implementing the SCOR model with a computer system.

Oota teaches implementing a process design system using a computer system.

Oota addresses difficulties with graphical layout and design to make it easier to a user to move graphical elements around on a display (i.e. to shift

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them) so that an optimum layout is achieved (one that is optimum as viewed visually on the display by a user). Oota also teaches the use of constraints in optimizing placement by having the computer calculate and determine that layouts at least meet constraints for how they are designed.

Stephens addresses using graphical representations of the supply chain, where the elements are interconnected to represent a supply chain.

Oota addresses using graphical representations of an engineering layout where the elements are connected to represent a process.

Stephens teaches that a supply chain configuration (in how elements are laid out and connected with each other) can be graphically reconfigured to represent improvements in a supply chain.

Oota teaches that an industrial process configuration (in how process elements are laid out and connected with each other) can be graphically reconfigured to optimize the functionality of the process with respect to its environment (column 21 line 35-37).

Oota teaches that updating second variables that depend on a first variable, where the first variable relates to the area that a first depiction covers is useful to help a user optimize graphical placement of elements.

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Oota and Stephens are thus analogous art because they are both addressing using graphical displays to help a user optimize the layout and function of a process (Stephen's process is the supply chain – Oota's process is industrial).

It would have been obvious to one of ordinary skill in the art of supply chain management at the time of the invention, to modify the teachings of Stephens, regarding using the SCOR model to graphically represent a supply chain where graphical changes in the supply chain impact the efficiency of that supply chain, to include the step of modeling the SCOR model on a computer system that reflect locations of supply chain elements, because it would make it easy for a user to optimize the layout of the supply chain, as it was represented graphically.

Regarding **Claim 7**, Stephens teaches:

**Rendering a third graphical depiction depicting a system topology used by each participant.**

Page 14, the SCOR level 3 depicts a system topology used by each participant in representing and organizing their supply chain.

Regarding **Claim 8**, Stephens teaches:

**wherein rendering the first graphical depiction includes representing a plurality of interactions depicted as interlocking polygons.**

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Page 14, 15, SCOR level one representation represents a plurality of supply chain interactions (i.e. plan, source, make, deliver) that are depicted as interlocking polygons (i.e. interlocking solid arrows).

Regarding **Claim 9**, Stephens teaches:

**wherein rendering the graphical depictions includes vertically aligning representations of interactions involving one of the participants.**

Page 15, the M0 ("Make" infrastructure shows representations of interactions involving a participant that is manufacturing according to make-to-stock, make-to-order and engineer-to-order. See also page 24 "Alpha Warehouse" has vertically aligned plan activities associated with the warehouse.

Regarding **Claim 10**, Stephens teaches:

**wherein rendering the graphical depictions includes vertically aligning representations of business benefits, wherein the business benefits correspond to at least one participant.**

Page 25, the representations of business benefits are vertically aligned where these benefits correspond to at least the participants represented by P1, P2, P3 and P4. These are SCOR Level 2 metrics.

Regarding **Claim 11**, Stephens teaches:

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**wherein rendering the graphical depictions includes vertically aligning representations of quantifiable business benefits, wherein the quantifiable business benefits provide a basis for ROI calculations.**

Page 25, the net cash flow increase from order management cost reductions and FG inventory reductions provide a cash flow basis for return on investment calculations.

Regarding **Claim 12**, Stephens teaches:

**producing a link from the first graphical depiction to the second graphical depiction.**

Page 20, The application of the SCOR methodology shows how a link is provided from the operations strategy to the intra-company configuration (i.e. from Level 1 to Level 2).

Regarding **Claim 13**, Stephens teaches:

**wherein rendering the second graphical depiction includes providing additional information regarding interdependency of the participants.**

Page 20, the SCOR level 2 configuration shows the inter and intra company interdependency between the supply chain participants. – see also page 14 “SCOR level 1”.

Regarding **Claim 14**, Stephens teaches:

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**wherein rendering the second graphical depiction includes depicting a sequence of activities.**

Page 14, the SCOR level 2 depicts the sequence of activities to show a company's supply chain configuration – see also page 23.

Regarding **Claim 15**, Stephens teaches:

**wherein rendering the second graphical depiction includes depicting information sharing between participants.**

Page 24, a SCOR level 2 shows the planning information being shared between the supply chain participants (the P1, P2, P3 and P4 and all “Plan” information being shared according to the SCOR “Plan” of Plan, Source, Make and Deliver).

Regarding **Claim 16**, Stephens teaches:

**wherein rendering the second graphical depiction includes depicting roles in the collaboration.**

Page 14, the Level 2 SCOR model depicts roles in the supply chain collaboration by depicting which process categories apply to a company's supply chain (e.g. make to order, configure to order, make to stock). – see also Page 20, SCOR Level 2.

Regarding **Claim 17**, Stephens teaches:

**wherein rendering the second graphical depiction includes depicting features in the collaboration.**

Page 14 – the SCOR level two provides for a depiction of the actual supply chain configuration (i.e., including the features of that collaboration) – see also page 23 for a Level two SCOR model for a supply chain overview of North America, including features of that supply chain – e.g. note D1 supplier in Florida.

Regarding **Claim 18**, Stephens teaches:

**wherein rendering the third graphical depiction includes depicting the availability of IT components.**

Page 14, the SCOR Level 3 (see “Comments”) identifies “System Capabilities required to support best practices” – see also page 20 where Level 3 SCOR provides for the depiction of system elements (i.e. the availability of IT components).

Regarding **Claim 19**, Stephens teaches:

**wherein rendering the third graphical depiction includes depicting distributed and centralized systems.**

Page 14, the Level 3 SCOR (i.e. the third graphical depiction) highlights system capabilities required to support best practices, i.e. including distributed and centralized systems.

Regarding **Claim 20**, Stephens teaches:

**wherein the third graphical depiction is derived from the second graphical depiction and contains additional information regarding the collaboration between participants.**

Page 14, the Level 3 SCOR model is a process decomposition of the Level 2 (i.e. is derived from the second graphical depiction) and contains more detailed supply chain information regarding the supply chain collaboration between a company, its suppliers and customers (i.e. the supply chain participants).

**Claims 1-5, 26-39, 40-54, 58-61 and 62-65** recite limitations similar to those addressed by the rejection of **Claims 6-20** above, and are therefore rejected under the same rationale.

#### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iwasa US 5887154 discloses a business process simulation system.

Toong US 6604114 discloses a system and method for organizing data.

Koppolu US 6460058 discloses an object-oriented framework for hyperlink navigation.

Kelly US 6393425 discloses the diagramming of real world models.

Erskine US 6243101 discloses a method of enhancing computer-generated symbols.

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Jaremko US 5621871 discloses a method of using callouts.

Dunn US 4813013 discloses a system for generating schematic diagrams.

Hakanson, Bill; "Supply Chain Letter", November 1998, [web.archive.org](http://web.archive.org/web/19981205005230/www.supply-chain.org/html/about_sec.htm)  
webpage of Dec 5, 1998, [web.archive.org/web/19981205005230/www.supply-chain.org/html/about\\_sec.htm](http://web.archive.org/web/19981205005230/www.supply-chain.org/html/about_sec.htm).

Anonymous, "Global link missing from supply chain model", Aug 1999,  
Transportation & Distribution. Cleveland: Vol.40, Iss. 8; pg. 7, 2 pgs

Anonymous, "SCOR model users get new benchmarking tool", Apr 8,  
1999, Purchasing. Boston: Vol.126, Iss. 5; pg. 33, 2 pgs.

Anonymous, "SCOR model is key link to stronger supply chain", Sep  
1998, Automatic I.D. News. Cleveland: Vol. 14, Iss. 10; p. 52 (4 pages).

Baer, Tony, "What's brewing: Java and manufacturing", Jul 1997,  
Manufacturing Systems Hot Issues for Hot Times Supplement, PP: 2-8,  
Dialog 01493138 01-44126.

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone

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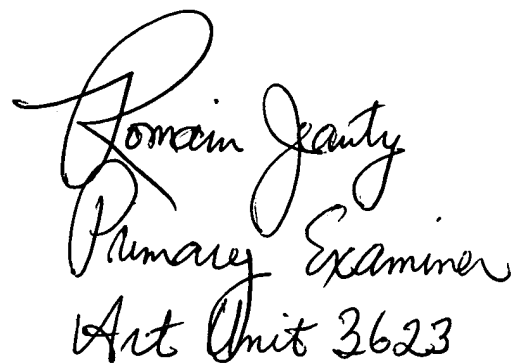
number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JGS 8-9-2006



Romain Janty  
Primary Examiner  
Art Unit 3623